

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 479  
OFFERED BY MR. POE OF TEXAS**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “North Korea State  
3 Sponsor of Terrorism Designation Act of 2017”.

**4 SEC. 2. REPORT ON DESIGNATION OF GOVERNMENT OF  
5 NORTH KOREA AS A STATE SPONSOR OF TER-  
6 RORISM.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) The United States Government designated  
9 the Government of North Korea a state sponsor of  
10 terrorism on January 20, 1988.

11 (2) On October 11, 2008, North Korea’s des-  
12 ignation as a state sponsor of terrorism was re-  
13 scinded, following commitments by the Government  
14 of North Korea to dismantle its nuclear weapons  
15 program. However, North Korea has failed to live up  
16 to these commitments.

17 (3) On October 22, 2015, the United States  
18 Special Representative for North Korea Policy with

1 the Department of State, testified before the House  
2 Foreign Affairs Subcommittee on Terrorism, Non-  
3 proliferation, and Trade that North Korea’s “con-  
4 duct poses a growing threat to the United States,  
5 our friends in the region, and the global non-  
6 proliferation regime” and the Deputy Coordinator  
7 for Homeland Security, Screening, and Designations  
8 with the U.S. Department of State noted that  
9 “weapons transfers that violate nonproliferation or  
10 missile control regimes could be a relevant factor for  
11 consideration, depending on the circumstances, con-  
12 sistent with the statutory criteria for designation as  
13 a state sponsor of terrorism”.

14 (4) The Government of North Korea has har-  
15 bored members of the Japanese Red Army since a  
16 1970 hijacking and continues to harbor the sur-  
17 viving hijackers to this day.

18 (5) On July 16, 2010, in the case of Calderon-  
19 Cardona v. Democratic People’s Republic of Korea  
20 (case number 08–01367), the United States District  
21 Court for the District of Puerto Rico found that the  
22 Government of North Korea provided material sup-  
23 port to the Japanese Red Army, designated as a for-  
24 eign terrorist organization between 1997 and 2001,  
25 in furtherance of a 1972 terrorist attack at Lod Air-

1 port, Israel that killed 26 people, including 17  
2 Americans.

3 (6) In the case of Chaim Kaplan v. Hezbollah  
4 (case number 09–646), a United States district  
5 court found in 2014 that North Korea materially  
6 supported terrorist attacks by Hezbollah, a des-  
7 ignated foreign terrorist organization, against Israel  
8 in 2006.

9 (7) In June 2010, Major Kim Myong-ho and  
10 Major Dong Myong-gwan of North Korea’s Recon-  
11 naissance General Bureau pled guilty in a South Ko-  
12 rean court to attempting to assassinate Hwang  
13 Jang-yop, a North Korean dissident in exile, on the  
14 orders of Lieutenant General Kim Yong-chol, the  
15 head of North Korea’s Reconnaissance General Bu-  
16 reau. The court sentenced each defendant to 10  
17 years in prison.

18 (8) In March 2015, the Government of South  
19 Korea concluded that North Korea was responsible  
20 for a December 2014 cyber attack against multiple  
21 nuclear power plants in South Korea. The South  
22 Korean Government stated that the attacks were in-  
23 tended to cause a malfunction at the plants’ reac-  
24 tors, and described the attacks as acts of “cyber-ter-  
25 ror targeting our country”.

1           (9) On December 19, 2015, the Federal Bureau  
2 of Investigation (FBI) concluded that North Korea  
3 was responsible for a cyber attack on Sony Pictures  
4 Entertainment and a subsequent threat of violence  
5 against theaters that showed the film “The Inter-  
6 view”. The FBI concluded that the “Guardians of  
7 Peace”, which sent the threat to Sony Pictures En-  
8 tertainment, was a unit of North Korea’s Reconnaissance  
9 General Bureau, its foreign intelligence service.  
10

11           (10) Malaysian authorities have alleged that of-  
12 ficials from North Korea’s secret police and Foreign  
13 Ministry were involved in the poisoning and killing  
14 of the estranged half-brother of the country’s leader,  
15 Kim Jong-nam, using the chemical weapon VX  
16 nerve agent, a substance banned for use as a weapon  
17 by the United Nations Chemical Weapons Conven-  
18 tion, on February 13, 2017, in Kuala Lumpur.

19           (b) SENSE OF CONGRESS.—It is the sense of the  
20 Congress that the Government of North Korea likely  
21 meets the criteria for designation as a state sponsor of  
22 terrorism and, if so should be so designated.

23           (c) DETERMINATION.—Not later than 90 days after  
24 the date of the enactment of this Act, the Secretary of  
25 State shall submit to the appropriate congressional com-

1 mittees a determination as to whether the Government of  
2 North Korea meets the criteria for designation as a state  
3 sponsor of terrorism.

4 (d) FORM.—The determination required by sub-  
5 section (c) shall be submitted in unclassified form, but  
6 may include a classified annex, if appropriate.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
10 TEES.—The term “appropriate congressional com-  
11 mittees” means—

12 (A) the Committee on Foreign Relations of  
13 the Senate; and

14 (B) the Committee on Foreign Affairs of  
15 the House of Representatives.

16 (2) NORTH KOREA.—The term “North Korea”  
17 means the Government of the Democratic People’s  
18 Republic of Korea.

19 (3) STATE SPONSOR OF TERRORISM.—The term  
20 “state sponsor of terrorism” means a country the  
21 government of which the Secretary of State has de-  
22 termined, for purposes of section 6(j) of the Export  
23 Administration Act of 1979 (50 U.S.C. 4605(j)) (as  
24 in effect pursuant to the International Emergency  
25 Economic Powers Act), section 620A of the Foreign

1 Assistance Act of 1961 (22 U.S.C. 2371), section 40  
2 of the Arms Export Control Act (22 U.S.C. 2780),  
3 or any other provision of law, is a government that  
4 has repeatedly provided support for acts of inter-  
5 national terrorism.

